

BRIAN PENLEY

2918 East State Road 38
Westfield, IN 46074
317-877-0239

November 22, 2006

To the Honorable Robert D. Drain:

This is in response to a motion filed by Delphi corporation to disallow a claim I filed under their Bankruptcy. I first and foremost want to apologize for the manner in which this is written as I am neither a lawyer or in a position to be able to afford one to represent me in this matter. I hope consideration is given in regards to this in considering my claim and it is not discharged on this basis.

I would first like to give a little background on my claim, it is for my personnel tools that I purchased and that I had in the facility, this was required by Delphi for me to have in order for me to perform my duties as a Tool & Die maker. I was sent out of the plant in October, 2003 and was not given any opportunity to retrieve my personnel property (tool box), when I was offered a opportunity to transfer back to GM I made an inquiry as to getting my tools back from the facility. I was informed that they could not locate them, even though members of management were aware that I had them in the plant. The UAW attempted to settle this to no avail.

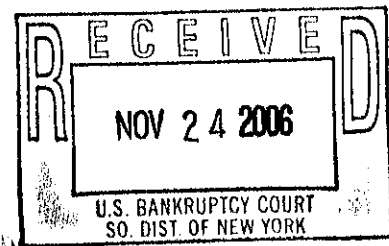
In 2005, after exhausting all avenues through the UAW I filed a small claims suit against Delphi for the value of my tools (maximum amount allowed) and we had a preliminary hearing. A trial date was set for 10-19-2005 and I was prepared to present my case and produce witnesses to the fact I had the tools in the plant and to what I had. While waiting for the trial date Delphi filed for Bankruptcy protection and filed paperwork preventing my case from proceeding, effectively preventing me from being able to present my case with witnesses in a location that was convenient to all parties involved.

This is the reason my claim is not in any of Delphi's books or ledgers, they prevented me from being able to prove it by not letting the case proceed in the small claims court it was filed in. I am now further hampered by the recent attrition program that was offered as many people that were to testify have relocated to other parts of the country and are now unreachable or have retired. This case should have been allowed to proceed, it would have then been clear as to the validity to my claim, now, with the amount of time that's been involved it has made providing further proof of my claim extremely difficult to provide. Thank you for your understanding in this matter.

A) The Honorable Robert D. Drain

United States Bankruptcy court for the Southern District of New York
One Bowling Green, Room 610, New York, New York 10004

Delphi Corporation
05-44481 (RDD)
Claim number 350
Third Omnibus claims objection, unsubstantiated claim



B) Brian L. Penley

Personnel property, namely my tools that are required for me to make my living, that were required by Delphi for me to furnish and keep in the plant, that were subsequently lost while under Delphi's care after they prevented me from retrieving them. The amount of the claim is current replacement costs that were taken from current tooling catalogs, which is \$9,210.55

C) Delphi was in possession of my personnel property (tools) that they prevented me from removing from the plant, they then became solely responsible for there safety which they failed at resulting in there loss.

D) see attachments

E) \$9,210.55

F) same

G) Brian L. Penley
2918 E SR 38
Westfield, IN 46074
317-877-0239

I thank you for your time and understanding in this matter, I realize that this is not a typical claim under Bankruptcy but I was forced into it by Delphi's refusal to let my claim proceed in Small Claims court where it was initially filed and their failure to be held responsible for property that they require an employee to furnish and keep on company property in order to maintain employment.

Sincerely,

Brian L. Penley

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE HAMILTON SUPERIOR COURT
CAUSE NO. 29D05-0507-SC-1992

BRIAN PENLEY,

Plaintiff,

v.

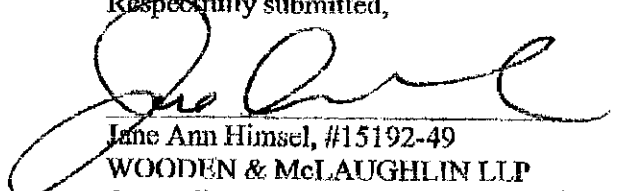
DELPHI ELECTRONICS,

Defendant.

**NOTICE OF DELPHI CORPORATION'S
FILING OF CHAPTER 11 BANKRUPTCY PETITION**

Notice is hereby given on behalf of Defendant Delphi Corporation, improperly identified in the Complaint as Delphi Electronics ("Delphi"), that on October 8, 2005, Delphi filed a petition for reorganization under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York, at which an order for relief was issued. Accordingly, the automatic stay provided by Section 362 of the Bankruptcy Code is now in effect, thereby staying any action by Brian Penley to prosecute the instant case further.

Respectfully submitted,

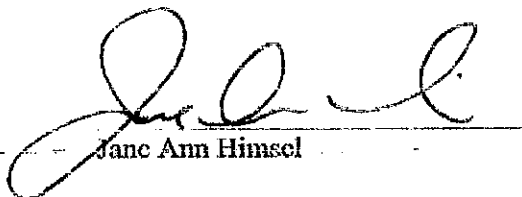

Jane Ann Himself, #15192-49
WOODEN & McLAUGHLIN LLP
One Indiana Square, Suite 1800
Indianapolis, IN 46204
Phone: 317-639-6151
Facsimile: 317-639-6444
Counsel for Delphi Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by

United States mail, first-class, postage pre-paid, this 14th day of October 2005:

Brian Penley
2918 East State Road 38
Westfield, In 46074


Jane Ann Himsel

CCS ENTRY FORM
HAMILTON SUPERIOR COURT 5

File Stamp Here

CASE NUMBER: 29D05-0507-SC-1992

BRIAN PENLEY,

Plaintiff,

v.

DELPHI ELECTRONICS,

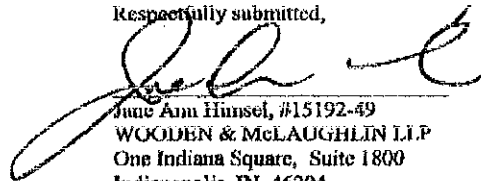
Defendant.

The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

Defendant Delphi Corporation, improperly named in the Complaint as Delphi Electronics, files the following for the Court's consideration:

1. Notice of Delphi Corporation's Filing of Chapter 11 Bankruptcy Petition.
2. CCS Entry.

Respectfully submitted,



Jane Ann Hunsel, #15192-49
WOODEN & McLAUGHLIN LLP
One Indiana Square, Suite 1800
Indianapolis, IN 46204
Phone: 317-639-6151
Facsimile: 317-639-6444

Counsel for Delphi Corporation

(TO BE DESIGNATED BY THE COURT)

This CCS Entry Form shall be:

- ☐ Placed in case file
- ☐ Discarded after entry on the CCS
- ☐ Mailed to all counsel by: ☐ Counsel ☐ Clerk ☐ Court
- ☐ There is no attached order; or

The attached order shall be placed in the RJO: Yes ☐ No ☐

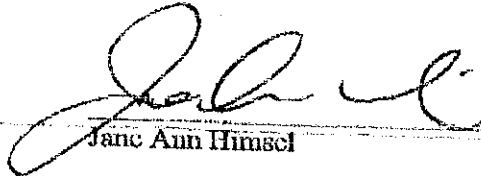
DATE _____

APPROVED _____
Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by
United States mail, first-class, postage pre-paid, this 14th day of October 2005:

Brian Penley
2918 East State Road 38
Westfield, In 46074


Jane Ann Himsel

Brian L. Penley
2918 East State Road 38
Westfield, IN 46074

The Honorable Robert D. Drain, United States Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York
One Bowling Green, Room 610
New York, New York 10004